IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Katharine Russell et al.

Application No.:   10/001,420

Filed: November 1, 2001

Patent No.:   7,671,751

Issued: March 2, 2010

Title: SYSTEM AND METHOD FOR CONDUCTING PET DEATH, AND OTHER PET RELATED TRANSACTIONS OVER A COMPUTER NETWORK

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Certificate of Correction Branch

Request for Certificate of Correction under 35 U.S.C. § 254

SIR:

It is respectfully requested that the Office issue a Certificate of Correction in connection with the above-referenced U.S. Patent No. 7,671,751, issued March 2, 2010, to correct mistakes that are believed to have been incurred through the fault of the Office and that are believed to be clearly disclosed by the records of the Office.

In claim 5, column 36, line 22, please correct "genetic" to read "generic." In claim 9, column 36, line 42, please correct "feast" to read "least." In claim 11, column 36, line 55, please delete the period (.) after "program". These corrections are supported, for example, by the Amendment filed July 24, 2009. A copy of the Amendment is attached hereto as "Attachment A" for the Office's convenience.

The corrections requested above are set forth on the enclosed Form PTO/SB/44, which we believe is suitable for printing.

No fee is believed to be due for the submission of this Paper. However, should any fees be required, please charge all such fees to Wilson, Sonsini, Goodrich & Rosati Deposit Account No. 23-2415 (Docket No. 30841-703.201).

Respectfully submitted,

Dated: November 4, 2010

By_____
H. Daniel Zang
Reg. No. 63,180

WILSON, SONSINI, GOODRICH & ROSATI PC
650 Page Mill Road
Palo Alto, CA 94304
Phone: (650) 493-9300
Fax: (650) 493-6811
Customer No. 21971

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page __1__ of __1__

PATENT NO.   : 7,671,751

APPLICATION NO.: 10/001,420

ISSUE DATE   : 03-02-2010

INVENTOR(S)   : Katharine Russell et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At column 36, line 22, replace "genetic" with "generic"

At column 36, line 42, replace "feast" with "least"

At column 36, line 55, delete the period (.) after "program"

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

ATTACHMENT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Katharine Russell, *et al.*

Application Serial No.: 10/001,420

Filing Date: 11-01-2001

For: **System and Method for Conducting Pet, Death, DNA and Other Related Transactions Over A Computer Network**

Customer No. 21971

Group Art Unit: 3687

Examiner: Andrew J. Rudy

Confirmation No. 3033

Electronically filed on: <u>July 24, 2009</u>

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDMENT AND RESPONSE

Sir:

This communication is in response to the Non-Final Office Action dated May 27, 2009. The maximum statutory period for response expires on November 27, 2009. This Response is submitted on July 24, 2009 and prior to expiration of the statutory period for reply. Therefore it is timely filed.

Amendment to the Claims begin on page **2** of this document.

Applicants' Remarks begin on page **6** of this document.

Amendments to the Claims:

1. (Previously Presented) A method of conducting pet related transactions over the Internet, comprising:

(a) providing at least one computer server which hosts one or more Internet web sites containing multiple sources of pet-related information and services, said at least one computer server capable of starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer; wherein said pet related services include a pet calculator that prompts specific input from a remote user, analyzes at least a portion of said input, and provides results and feedback to the remote user based on at least a portion of said input;

(b) permitting remote users to establish accounts, whereby said remote users may obtain information regarding to or place orders for pet-related services from a plurality of associated sources and vendors and said account permitting said user to access to portions of said computer server via a protected password;

(c) permitting said remote users to start a client session by sending a command and receiving a response of said command from said remote computer;

(d) permitting said remote user to provide input to said pet calculator regarding a specific pet and receiving feedback information from said server addressing the needs of the specific pet, based at least in part on analysis of said input; and

(e) charging said remote users via their established accounts for obtaining information regarding or to place orders for pet-related services from a plurality of associated sources and vendors.

2-3. (Canceled)

4. (Previously Presented) The method of claim 1, wherein said pet related transaction, information, and services pertain to the death of a famous or an important individual's pet.

5. (Canceled)

2

6. (Previously Presented) The method of claim 1, wherein said results and feedback from said pet calculator comprises a pet profile providing information and recommendations specific to said pet.

7. (Previously Presented) The method of claim 6, wherein said pet calculator combines at least a portion of said input with set parameters for various species and breeds of pets before providing customized results and feedback to the remote user based on said input.

8. (Previously Presented) The method of claim 1, wherein said pet calculator divides animals into a plurality of age classifications, assigns one or more specific age classifications to a particular pet based upon said specific input, and provides results and feedback to the remote user based upon said one or more assigned age classifications.

9. (Previously Presented) The method of claim 1, wherein at least one portion of said results and feedback contains at least a portion of said specific input while at least another portion of said results and feedback contains standardized generic passages that do not contain any of said specific input.

10. (Previously Presented) The method of claim 1, wherein said pet related services include further comprising a pet selector, whereby said pet selector prompts specific input from a remote user, analyzes at least a portion of said input, and provides customized recommendations on pet selection to the remote user based on at least a portion of said input.

11. (Previously Presented) The method of claim 10, wherein said pet selector provides recommendations as to specific species and breeds of pets based upon one set of specific input.

12 – 18. (Canceled)

19. (Previously Presented) A method of conducting pet-related transactions over the Internet, comprising:

(a) providing at least one computer server for hosting one or more Internet web sites containing pet-related information and services, said at least one computer server capable of starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer, wherein said pet-related services include a pet calculator that prompts specific input

3

from a remote user, analyzes at least a portion of said input, and provides results and feedback to the remote user based on at least a portion of said input, and wherein said pet related services also include a pet selector, whereby said pet selector prompts specific input from a remote user, analyzes at least a portion of said input, and provides customized recommendations on pet selection to the remote user based on at least a portion of said input;

(b) permitting remote users to establish accounts, whereby said remote users may obtain information regarding pet-related services or order pet-related services from a plurality of associated sources and vendors; and

(c) charging said remote users via their established accounts for obtaining information regarding or ordering pet-related services from a plurality of associated sources and vendors.

20. (Previously Presented) The method of claim 19, wherein at least a portion of said pet-related information or services are provided by outside vendors in business partnerships with the proprietor of said at least one computer server.

21. (Previously Presented) A method of conducting transactions over the Internet related to commemorate the passing of a pet, comprising:

(a) providing at least one computer server for hosting one or more Internet web sites containing information and services related to commemorate the passing of a pet, said at least one computer server capable of starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer;

(b) permitting remote users to establish accounts, whereby said remote users may obtain information or conduct transactions over the Internet related to commemorate the passing of a pet from a plurality of associated sources and vendors using the established accounts, wherein said information and transactions are selected from establishing an obituary, posting a death notice, sending electronic death announcements and establishing pet tributes; and

(c) permitting other remote users to access the information and do any of add their remembrances to the tribute, send cards of condolences, send flowers, or make donations.

22. (Previously Presented) A method of conducting transactions over the Internet related to commemorate the passing of a pet according to claim 21 further comprising arranging for payment from said remote users via their established accounts.

23. (Canceled)

24. (Previously Presented) A method of conducting transactions over the Internet related to commemorate the passing of a pet according to claim 21 wherein at least one remote user is an owner of a deceased pet.

25. (Previously presented) The method of claim 1, wherein said computer server further hosts one or more interactive information columns which may be separately accessed by said remote users.

26. (Previously presented) The method of claim 1, wherein said remote server further provides access to said plurality of associated sources and vendors through a private entrance.

27. (New) A method of conducting pet-related transactions over the Internet, consisting of:

(a) a pet calculator wherein said calculator is interactive in which a user input at a local computer is transmitted over the Internet to a server whereupon the transmitted input elicits a response in the server according to set parameters stored in the server for various species and breeds wherein said response is informative to said user in determining said pet's medical and health needs;

(b) a pet selector wherein said selector is interactive in which a user request for said pet selector at a local computer is transmitted over the Internet to a server whereupon the transmitted request elicits a response in the server in a form of an array of questions about said user's lifestyle and personal preferences transmitted back to said user, said user's answer to said questions transmitted to said server is analyzed by one or more algorithms in said server, and said user receives from said server names of one or more breeds of animals as best suited as pets for said user;

(c) an online tribute wherein said tribute provides a user remotely located from a pet with one or more web sites to commemorate the passing of said pet without having said user to travel to said location of said pet; and

(d) a pet deoxyribonucleic acid (DNA) service wherein said service stores a pet's DNA information wherein said information is location of said DNA storage and results obtained from genetic analysis of said DNA.

28. (New) A method of conducting pet-related transactions over the Internet, comprising:

(a) a pet calculator wherein said calculator is interactive in which a user input at a local computer is transmitted over the Internet to a server whereupon the transmitted input elicits a response in the server according to set parameters stored in the server for various species and breeds wherein said response is informative to said user in determining said pet's medical and health needs;

(b) a pet selector wherein said selector is interactive in which a user request for said pet selector at a local computer is transmitted over the Internet to a server whereupon the transmitted request elicits a response in the server in a form of an array of questions about said user's lifestyle and personal preferences transmitted back to said user, said user's answer to said questions transmitted to said server is analyzed by one or more algorithms in said server, and said user receives from said server names of one or more breeds of animals as best suited as pets for said user;

(c) an online tribute wherein said tribute provides a user remotely located from a pet with one or more web sites to commemorate the passing of said pet without having said user to travel to said location of said pet; and

(d) a deoxyribonucleic acid (DNA) service wherein said service stores a pet's DNA information wherein said information is location of said DNA storage and results obtained from genetic analysis of said DNA.

29. **(New)** A computerized server wherein said server provides pet-related information to a user comprising four computer-executable programs stored in said server wherein said four programs consists of:

(a) a pet calculator program wherein said logic processes a user input and returns information on said pet's medical and health needs;

(b) a pet selector program wherein said logic processes a user response to questions about said user's lifestyle and personal preferences and produces names of one or more breeds of animals as pets suitable for said user;

(c) a pet tribute program wherein said logic accepts and displays a user's input commemorating the passing of a pet on one or more web sites; and

(d) a pet DNA service program wherein said logic stores results from said pet's DNA analysis and avail said results to a user.

REMARKS

Claims 1, 4, 6-11, 19-22 and 24-26 are pending in this application. Claim 27-29 are new. No claim has been amended.

I.   Rejection under 35 USC § 103

Claims 1, 4, 6-11, 19-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bebiak, US 6,576,280 and Official Notice.

The Examiner noted that Bebiak does not teach pet calculator. Nonetheless, the Examiner stated that the manufacturing process disclosed in Bebiak "may be viewed as 'pet calculator' in a broad scope and content."

The Applicants respectfully disagree with the Examiner's characterization of Bebiak for the following three reasons.

First, the Examiner, in sustaining rejection under §35 U.S.C. 103, bears the burden of providing a reasoned analysis as to why Bebiak's manufacturing process would be obvious to the invention of "pet calculator." See MPEP 2145. The examiner failed to do so.

Second, as the Examiner did not point out how the manufacturing process is in the Examiner's view renders the pet calculator obvious, the Applicants are at a loss in understanding the Examiner's view. Without attempting to guess what was not provided, the Applicants would like to point out how and why the pet calculator is nonobvious to the manufacturing process. For example, the manufacturing process does not teach or concern a pet's medical needs, which is an element of invention contemplated by the pet calculator. Another example is that the manufacturing process dictates how a customized food packaging is accomplished while the pet calculator is an interactive platform providing information useful to a human pet owner.

Third, the Examiner also bears a burden to determine whether the invention as a whole must have been obvious to the person skilled in the art at the time of the invention. See MPEP 2142. The invention recites pet calculator, pet selector, pet-death service, pet-DNA related services, and the combined use thereof. To sustain a rejection, the Examiner must show why

8

Bebiak, which lacks any disclosures on pet-death related service, a pet-selector, and pet-DNA related services, renders the present invention obvious. As the Examiner failed to show how Bebiak taught these undisclosed elements, the Examiner's rejection must be withdrawn.

Although the Applicant is convinced that the Examiner's rejection in view of Bebiak was unsupported by legal standards of obviousness, the Applicant hereby submits new claims for the Examiner's consideration in furtherance toward the closure of more than 9 years of prosecution on the present application. None of the claims 27-29 includes new matter. Support for claims 27-28 can be found in paragraphs including 0017 (pet calculator), 0018 (pet selector), 0019 and 0020 (online tribute for commemorating the passing of pets), and 0022 (pet-related DNA services). Support for claim 29 can be found in paragraphs including 0036, 0040, and 0045. None of the arts cited as pertinent reference in the Examiner's May 27, 2009 Office action discloses all four elements recited in the claims 27-29.

CONCLUSION

In light of the remarks set forth above, Applicant believes that all the claims are in condition for allowance. Applicant respectfully requests that this patent application to promptly be passed to issuance. The Examiner is encouraged to telephone the undersigned with any question related to this application.

FEE AUTHORIZATION

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **23-2415** (Docket No. 30841-703.201).

Respectfully submitted,

Dated: July 22, 2009

By:_____

Albert P. Halluin, Reg. No. 25,227
H. Daniel Zang, Reg. No. 63,180 (signed)

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Direct Dial: (650) 849-3207
Customer No. 21971